

REMARKS

The present application was filed on September 29, 2003 with claims 1 through 20. Claims 1 through 20 are presently pending in the above-identified patent application.

In the Office Action, the Examiner rejected claims 16-20 under 35 U.S.C. §101 because the claimed invention is directed to non-statutory subject matter. The Examiner also rejected claims 1, 5, 9, 13, 16, and 18 under 35 U.S.C. §102(e) as being anticipated by Ramaswamy et al. (United States Patent Number 6,490,560), rejected claims 2, 3, 6, 10, 11, 14, and 19 under 35 U.S.C. §103(a) as being unpatentable over Ramaswamy et al., and further in view of Honarvar et al. (United States Patent Application Publication Number 2003/0154406), rejected claims 4, 7, 12, 15, 17, and 20 under 35 U.S.C. §103(a) as being unpatentable over Ramaswamy et al., and further in view of August (United States Patent Application Publication Number 2002/0094067), and rejected claim 8 under 35 U.S.C. §103(a) as being unpatentable over Ramaswamy et al., and further in view of Arnold (United States Patent Application Publication Number 2002/0147914)

Section 101 Rejections

Claims 16-20 were rejected under 35 U.S.C. §101 because the claimed invention is directed to non-statutory subject matter. In particular, the Examiner notes that the cited claims comprise a “machine readable medium” and asserts that, since the specification teaches that a machine or computer readable medium may be a transmission medium, the claims are not limited to a statutory category. In addition, the Examiner asserts that the cited claims do not produce a tangible result.

Applicants note that the term “tangible” means “having substance or material existence.” (See, dictionary.com.) Contrary to the Examiner’s assertion, a *transmission medium is a tangible entity, consisting of radio waves, light waves, electronic signals, etc.* Claims 16-20 require a *machine readable medium containing one or more programs*, and are therefore limited to tangible embodiments.

Applicants also note that the USPTO published guidelines teach that,

from a technological standpoint, *a signal encoded with functional descriptive material is similar to a computer-readable memory encoded with functional descriptive material, in that they both create a functional interrelationship with a computer.* In other words, a computer is able to execute the encoded functions, regardless of whether the format is a disk or a signal. (Second to last paragraph on page 57; emphasis added.)

Regarding a computer-readable memory encoded with functional descriptive material, the published guidelines teach that,

when functional descriptive material is recorded on some computer-readable medium *it becomes structurally and functionally interrelated to the medium and will be statutory in most cases* since use of technology permits the function of the descriptive material to be realized
(Page 50, second paragraph; emphasis added.)

As noted above, claims 16-20 require a *machine readable medium containing one or more programs*. Applicants note that a computer readable code means (*machine readable medium containing one or more programs*) is classified as functional descriptive material and that claims 16-20 are therefore directed to statutory subject matter. In addition, since a signal encoded with functional descriptive material is similar to a computer-readable memory encoded with functional descriptive material, and since a transmission medium is inherently a signal, then a transmission medium is statutory subject matter. Claims 16-20 are therefore directed to statutory subject matter and Applicants respectfully request that the section 101 rejections be withdrawn.

Independent Claims 1, 9 and 16

Independent claims 1, 9, and 16 were rejected under 35 U.S.C. §102(e) as being anticipated by Ramaswamy et al. Regarding claim 1, the Examiner asserts that Ramaswamy teaches processing spoken answers to said one or more questions using an automatic speech recognition technique (col. 4, lines 15-20).

Applicants note that Ramaswamy teaches a “system for verifying user identity, in accordance with the present invention, includes a conversational system for receiving inputs from a user and *transforming the inputs into formal commands*.” (Col. 1, lines 45-48.) Ramaswamy does not disclose or suggest processing spoken answers to one or more questions using an automatic speech recognition technique. Independent claims 1, 9, and 16 require processing spoken answers to said one or more questions using an automatic speech recognition technique.

Thus, Ramaswamy et al. do not disclose or suggest processing spoken answers to said one or more questions using an automatic speech recognition technique, as required by independent claims 1, 9, and 16.

Additional Cited References

Honarvar was also cited by the Examiner for its disclosure that, in order to develop a confidence score, a vendor determines the points for each authentication question to derive predictive confidence scores. Applicants note that Honarvar teaches “authenticating the user involves generating automatically authentication questions based upon the parameters and the user data, querying the user with the generated authentication questions, and determining an authentication result based upon the parameters and data input by the user in response to the queries.” (Paragraph [0041].) Honarvar also teaches that “the authentication engine 240 generates an *XML authentication question and answer set* for the user.” (Paragraph [0136]; emphasis added)
Honarvar, however, does *not* address the issue of processing *spoken answers to questions* using an automatic speech recognition technique

Thus, Honarvar et al. do not disclose or suggest processing spoken answers to said one or more questions using an automatic speech recognition technique, as required by independent claims 1, 9, and 16.

August was also cited by the Examiner for its disclosure that teaches a speech processing unit that includes an Utterance Verification/Verbal Information Verification (VIV) application. Applicant notes that August is directed to a “method for network-based speech recognition of subscriber (or ‘user’) voice-commands for invoking call information and management features and text-to-speech translation of call information and call management features ” (Paragraph [0002]) August, however, does *not* address the issue of processing *spoken answers to questions* using an automatic speech recognition technique

Thus, August does not disclose or suggest processing spoken answers to said one or more questions using an automatic speech recognition technique, as required by independent claims 1, 9, and 16.

Arnold was also cited by the Examiner for its disclosure that, once the user has been authenticated, the automated password reset program resets the password and delivers a new password to the user in a way that further enhances the overall security of the system (paragraph [0010]). Applicants note that Arnold is directed to a “system and method for providing a password to a user using voice recognition technology ” (See, Abstract) Arnold, however, does *not* address the issue of processing *spoken answers to questions* using an automatic speech recognition

technique.

Thus, Arnold does not disclose or suggest processing spoken answers to said one or more questions using an automatic speech recognition technique, as required by independent claims 1, 9, and 16.

Dependent Claims 2-8, 10-15 and 17-20

Dependent claims 5, 13, and 18 were rejected under 35 U.S.C. §102(e) as being anticipated by Ramaswamy et al., claims 2, 3, 6, 10, 11, 14, and 19 were rejected under 35 U.S.C. §103(a) as being unpatentable over Ramaswamy et al., and further in view of Honarvar et al., claims 4, 7, 12, 15, 17, and 20 were rejected under 35 U.S.C. §103(a) as being unpatentable over Ramaswamy et al., and further in view of August, and claim 8 was rejected under 35 U.S.C. §103(a) as being unpatentable over Ramaswamy et al., and further in view of Arnold.

Claims 2-8, 10-15, and 17-20 are dependent on claims 1, 9, and 16, respectively, and are therefore patentably distinguished over Ramaswamy et al., Hornarvar et al., August, and Arnold, alone or in combination, because of their dependency from independent claims 1, 9, and 16 for the reasons set forth above, as well as other elements these claims add in combination to their base claim.

If any outstanding issues remain, or if the Examiner has any further suggestions for expediting allowance of this application, the Examiner is invited to contact the undersigned at the telephone number indicated below.

The Examiner's attention to this matter is appreciated.

Respectfully submitted,



Date: July 18, 2007

Kevin M. Mason
Attorney for Applicant(s)
Reg. No. 36,597
Ryan, Mason & Lewis, LLP
1300 Post Road, Suite 205
Fairfield, CT 06824
(203) 255-6560